

REMARKS

Claim Amendments

Claims 10 and 23-44 are pending. Claims 10, 25, 27, 31, 33, 39, and 41 are amended. Support for these amendments can be found throughout the specification and the original claims as filed. Applicant respectfully requests entry of this amendment and submits that no new matter has been added.

Withdrawn Rejections

Applicant greatly appreciates the Examiner's withdrawal of the rejections under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 103(a). *See* Office Action, pages 2-3.

Claim Objections

Claim 10 is objected to because a portion of the claim appears to have been inadvertently deleted.

Claim 10 has been amended to add this inadvertently deleted portion. Accordingly, this objection is moot.

Rejections under 35 U.S.C. § 101

Claims 27, 33, and 41 stand rejected as allegedly encompassing a human being, i.e., non-statutory subject matter.

Claims 27, 33, and 41 have been amended to recite "an isolated" host cell. Accordingly, this objection is moot.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 10, 25-36, and 39-44 stand rejected as allegedly failing to comply with the written description requirement. Specifically, the USPTO contends that Applicant has not described the genus of polynucleotides having "at least 95% homology to the sequence of SEQ ID NOS: 8, 9, or 13 and encoding proteins having at least one immunological and/or biological activity characteristic of a protein binding human GHRH and being associated with the modulation of cell proliferation." *See* Office Action, pages 5-9.

Independent claims 10, 25, 31, and 39 have been amended to delete the recitation of sequences "with at least 95% homology with the nucleic acid sequence of" SEQ ID NOS: 8, 9, or 13. Accordingly, this rejection is moot.

CONCLUSION

It is believed that these amendments and remarks should place this application in condition for allowance. A notice to that effect is respectfully solicited. If the Examiner has any questions relating to this response or the application in general, then she is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

This response is being filed within the three-month time period set forth in the Final Office Action. Accordingly, no fees are due. However, should the USPTO determine that any fees are due to avoid the abandonment of this application, the USPTO is hereby authorized to charge such fees to **Deposit Account No. 50-0206**.

Respectfully submitted,

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